

MEMO ENDORSED

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**NATIONAL LABOR RELATIONS
BOARD,**

Applicant,

v.

**CHARLES THOMAS SCHMIDT;
PARTY SHUTTLE TOURS, LLC;
CITY INFO EXPERTS, LLC;
UNIVERSAL SMART CONTRACTS, LLC;**

Respondents.

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NOTICE OF MOTION TO DISMISS OR TRANSFER PURSUANT TO RULE 12(b)

PLEASE TAKE NOTICE THAT Respondents Charles Thomas Schmidt (“Schmidt”), Party Shuttle Tours, LLC (“PST”), City Info Experts, LLC (“CIE”), and Universal Smart Contracts, LLC (“USC”) respectfully moves that this Honorable Court dismiss this proceeding pursuant to Rule 12(b)(1), (2), or (3) of the Federal Rules of Civil Procedure, or, in the alternative, transfer this case to Judge Lynn Hughes’ Court in the United States District Court for the Southern District of Texas pursuant to Rule 12(b)(3).

PLEASE TAKE FURTHER NOTICE THAT in support of this Motion, Respondents shall rely upon the attached Memorandum of Law in Support of Motion to Dismiss, and the Exhibit attached thereto. A proposed form of Order has also been submitted in support of this Motion.

Wherefore, Respondents respectfully pray that:

This Court dismiss this case for lack of personal jurisdiction or for improper venue or for lack of subject matter jurisdiction.

In the alternative, that this Court transfer this case to the Southern District of Texas.

That this Court direct Applicant NLRB to reimburse Respondents for their costs and attorneys' fees in responding to this subpoena enforcement action.

That this Court grant Respondents such other relief as may be necessary or appropriate.

Date: March 24, 2023

Respectfully submitted,

SCHMIDT LAW FIRM, PLLC

By:



C. Thomas Schmidt
State Bar No. 00797386
7880 San Felipe, Suite 210
Houston, Texas 77063
firm@schmidtfirm.com
713-568-4898 telephone
815-301-9000 facsimile

ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF SERVICE

I hereby certify that on the March 24, 2023, a true and correct copy of the above and foregoing instrument has been served on all counsel of record by using the Court's Electronic Case Filing system to all counsel of record.



C. Thomas Schmidt

The show cause hearing scheduled for **April 7, 2023**, is adjourned *sine die*. Petitioner's reply in support of its motion and response to Respondents' motion to dismiss is due **April 7, 2023**, in a brief not to exceed 25 double-spaced pages. Respondents' reply is due on **April 14, 2023**, in a brief not to exceed 10 double-spaced pages.

SO ORDERED.



03/27/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE